

Attorney's Docket No. DVL-003PAT

PATENT

#28

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Donald V. Lightcap et al.

Serial No.: 09/128,753

Group No.: 1616

Filed: August 4, 1998

Examiner: Alton Pryor

For: COMPOSITION, METHOD, AND APPARATUS FOR PROTECTING PLANTS FROM INJURY CAUSED BY FROST OR FREEZING TEMPERATURES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

2. Applicant is

☒ a small entity. A verified statement:☐ is attached.☒ was already filed.☐ other than a small entity.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

FACSIMILE

☐ I deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile to the Patent and Trademark Office

Signature

Mark F. Smith

(Type or print name of person certifying)

Date: July 1, 200307/11/2003 17:00:01 00000000 00000000
01 7010200

EXTENSION OF TERM

NOTE- "Extension Of Time In Patent Cases (Supplement Amendments) - if a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action; an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely filed response placed the application in condition for allowance. Of course if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-S).

NOTE- See 37 CFR 1.645 for extensions of time in interference proceedings, and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (a) or (b), as applicable)

- (a) X Applicant petitions for an extension of time under 37 CFR 1.136
(fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<u> </u> one month	\$ 110.00	\$ 55.00
<u> </u> two months	\$ 400.00	\$200.00
<u> </u> three months	\$ 920.00	\$460.00
<u> </u> four months	\$1,440.00	\$720.00

Fee \$ 460.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next term, if applicable)

X An extension for 1 months has already been secured and the fee paid therefore of \$ 55.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 405.00

OR

- (b) Applicant believes that no extension of term is required. However this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	OR RATE	ADDIT. FEE
TOTAL *	MINUS **	=	X9=	\$	X18=	\$
INDEP *	MINUS ***	=	X42=	\$	X84=	\$
___ FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			X140=	\$	+280=	\$
			TOTAL ADDIT. FEE \$	OR	TOTAL ADDIT.	

* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

** If the "Highest No Previously Paid for" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 3, enter "3"

The "Highest No. Previously Paid for" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING "After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 CFR 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

(c) ☒ No additional fee for claims is required

OR

(d) ___ Total additional fee for claims required \$

FEE PAYMENT

5. ___ Attached is a check in the sum of \$ 0.00.

___ Charge Account No. _____ the sum of \$ _____.

A duplicate of this transmittal is attached.

☒ Attached is an authorization to charge credit card \$405.00.

FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum six-month period has expired before the deficiency is noted and corrected the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7 1-86, (1065 O.G. 31-33).

6. ☐ If any additional extension and/or fee is required, charge Account No. _____.

AND/OR

☐ If any additional fee for claims is required, charge Account No. _____.

OTHER DOCUMENTS ATTACHED

7. ☐ No other documents are attached.

☒ The following documents are attached hereto:

Authorization to pay fees using credit card.

Reg. No.: 32,437

Tel. No.: 513-229-0383



SIGNATURE OF ATTORNEY

Mark F. Smith

(type or print name of attorney)

Smith Brandenburg Ltd.
7577 Central Park Boulevard, Suite 102
Mason, Ohio 45040

SBTECHNOLOGY LAWSM
SCIENCE, BUSINESS, TECHNOLOGY & THE LAW

7577 CENTRAL PARK BOULEVARD
SUITE 102
MASON, OHIO 45040
USA

513-229-7874 (PHONE/FAX)
INFO@SBTECHNOLOGYLAW.COM(EMAIL)

ATTORNEYS

MARK F. SMITH
GEORGE P. BRANDENBURG
DAVID J. NOVAK *
CHARLES L. HARTMAN (OF COUNSEL)**
* LICENSED IN NEW YORK & FLORIDA
** LICENSED IN CALIFORNIA & NEVADA

TECHNICAL CONSULTANT

PAUL E. THOMSON, M.D.
NICOLE TEPE, PHD.
DAVID A. RESS, PHD.

DATE: July 1, 2003

TO: Examiner Alton N. Pryor

ADDRESS: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SENDER'S DIRECT DIAL NO.: (513) 229-7874

TOTAL NUMBER OF PAGES: 18

ADDITIONAL INFORMATION: Serial No.: 09/128,753, Filed 08/04/98. Attached is an Amendment Transmittal including Certificate of Fax Transmission dated July 1, 2003, Amendment and set of claims and authorization for payment of extension of time fees.

FAX TO:

Name	Fax Number	Confirm Number
A. Pryor	703-746-4996	

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